

EVENING BULLETIN

3:30 O'CLOCK

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EDITION

ONE VOTE FOR

THE EVENING BULLETIN

\$2000 PRIZE CONTEST.

FRIDAY, MARCH 16, 1906.

This vote is good for three weeks from date.

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HONOLULU, TERRITORY OF HAWAII, FRIDAY MARCH 16 1906

PRICE 5 CENTS

Beer Man Urges Chinese Labor For Hawaii

Contend Judge Gear's
San Francisco
Decision Was Valid

CATTON BROS. STILL FIGHT FOR NEW TRIAL

The defendants in the case of the Territory against Catton Bros. have in the Supreme Court by no means as yet given up their fight for a new trial of the case. This noon they filed a lengthy brief in which the legality of the famous decision which Judge Gear wrote in San Francisco, and which arrived here after his term had expired, is discussed in great detail.

The brief reads in part as follows:

In dismissing the motion to quash the ruling of the court was such as to perhaps make it appear on the surface that the question of defendants' right to a new trial was finally disposed of. We believe, however, that such is not the case. In the court's decision on the arguments presented we at present acquiesce, but we wish to show that for other reasons not then presented and which can unquestionably be presented on the merits as well as the writ of error must be dismissed. And even if those reasons show that the ruling on the motion to quash was in fact erroneous (though correct on the arguments then presented which were all the court had to then consider) we believe that the court will see that justice is done and dismiss the writ.

To sum up the points as regards Judge Gear's decision since our previous summary we contend:

1. That Judge Lindsay could not take judicial notice that Judge Gear was absent from the Territory when he wrote his decision nor can this court do so.
2. The record does not show that Judge Gear rendered his decision in San Francisco and hence it cannot now be so claimed in a collateral proceeding especially in view of the presumptions as regards the jurisdiction of courts and the regularity of judicial acts.
3. Judge Gear had the right to hear and decide the motion for a new trial in vacation and hence the decision did not have to be made in open court, but merely filed there and, as it was filed there properly, it was valid and it makes no difference where it was written.
4. It cannot be held in a collateral proceeding such as this that Judge Gear was not a judge de facto on March 4th, when his decision was filed and hence the validity of the decision cannot be attacked on the ground that his term of office had expired.
5. The decision having been made before the expiration of Judge Gear's term, it makes no difference that it was filed after it.
6. Judge Gear had the right, both to make his decision and have it filed after the expiration of his term.

We do not see how the question whether a new trial should have been ordered on the evidence can come before the court. If Judge Gear's decision cannot be attacked, that ends the matter, while if Judge Gear's decision is held void and Judge Lindsay's order is upheld, the latter ruling is interlocutory and cannot be reviewed on a writ of error. Furthermore the plaintiff does not present any argument on the merits and the court should not go into them until it does so. Defendants are not forced to meet points not raised by the plaintiff.

We submit that the court should look into this case carefully and with a view to circumvent the pure technicalities raised by the plaintiff. The fact that it may be necessary to practically reverse the recent ruling on the motion to quash should not, and we think, will not deter the court from so doing, if justice requires (see Re Ah Ho, 14 Haw. at p. 658). All the equities are with the defendants in this case and they should not be compelled to pay the plaintiff \$25,000, if there is any way of avoiding such a result.

We submit that the writ of error should be dismissed, but even if the court thinks otherwise we again renew our request that it be made clear to Judge Lindsay that he may grant a new trial of his own motion if he so desires. We also ask the entry of a formal judgment on the writ of error as provided for by the statutes, irrespective of which party prevails.

BOTH SIDES CLAIM
RIGHT TO
VOTE THE SHARES

The Peacock case continued on its weary way with objections and arguments before Judge Lindsay today, the Peacock faction having its inning to show that it, and not the Garvie side, is W. C. Peacock & Co. Minutes of the meeting at which the Peacock board of directors gave him a power of attorney to act for the corporation, and of the meeting at which the action of the Garvie faction attorneys was declared to be unauthorized were introduced in evidence.

A great fight was made on the point as to whether or not Bishop & Co. had a right to vote one-third of the 387 1/3 shares, which Peacock hypothesized that that firm, Peacock, when he hypothesized the shares, gave Bishop & Co. a power of attorney with a right to vote them. Later on, however, Peacock's sister secured one-third of the 387 1/3 shares, and both sides now claim the right to vote these shares.

WHOLE FAMILY SICK

M. A. Gonsalves and all his family and their two servants, seven persons in all, have been seized by a mysterious illness, probably the result of some article of food partaken of by the entire household.

Dr. Herbert is attending. The malady is difficult of diagnosis.

Seattle's
Plea To
The Senate

The following was written by the President of the Seattle Brewing & Malting Co., and explains itself:

March 2, 1906.

Hon. Levi Ankeny, Washington, D. C.

My Dear Senator:—On May 18th, 1904, I wrote you regarding the labor situation in the Hawaiian Islands, and now desire to broaden out on this question and therein also cover the Philippines. I wrote you at that time that it was practically impossible to secure white labor in the Hawaiian Islands owing to the extreme warm weather. These conditions also prevail in the Philippines.

On my trip around the world, passing through China and Japan, I had the opportunity of investigating the present Chinese boycott on American goods, in fact was present at our agency in Shanghai where our goods were refused through a customer who formerly had used nothing but our Rainier. These Shanghai Chinamen talk English fluently and therefore I was enabled to listen to the entire conversation with our agent, Mr. Dallas. This Chinese customer stated to him that under no circumstances could he use our goods. Should he do so he would be fined by the association of which he is a member, as well as nearly all the prominent merchants. Even if he paid his fine and continued to use the American goods, they would eventually put him out of business.

This boycott is a serious matter and we must drop the idea that it is only a temporary affair. It will take root deeper and deeper and the sooner Congress does something the quicker we may regain part of our trade. The English and Germans have taken advantage of the situation and taken our place throughout China and it will take a long time for us to regain what we have lost. It is my opinion that the opening of Hawaii and the Philippines to coolie labor would satisfy the Chinese merchants and therefore urge you to do all in your power to secure legislation tending to the opening of these islands to Oriental labor.

Respectfully yours,

A. HEMMICH,
President Seattle Brewing & Malting Co.

KLINE OF AMSTERDAM

W. J. Kline and wife of Amsterdam, N. Y., were among the arrivals by the Ventura. Mr. Kline is proprietor of the Amsterdam "Evening Recorder," and since his visit here some ten years ago, he has been an enthusiastic promoter and friend of things Hawaiian. In making a western trip this year Mr. Kline says he refused to come to California unless the trip was extended to Honolulu, and his family had heard such glowing accounts of the place that they were quite ready to follow him. He notes many changes, all the large blocks having been put up since his previous visit, but the islands have not lost their charm for him. He will make quite an extended stay and has made his headquarters at the Hawaiian hotel.

Shooting Mystery
Found To Have
Most Tragic Solution

SERVANTS QUARREL OVER FAITHLESS WIFE

A scrap of paper has brought to light a startling story.

It will be remembered that a Korean was shot several times in the shoulders on Monday night at Alewa, at the end of Judd street, near the Emmeluth residence. His name was Chan Sun Dak. At the time it was a mystery as to who did the shooting, and why.

Later, Yee Man Young was arrested. He is a Korean. He was charged with the shooting.

When he was being searched at the police station he was seen to snatch for a small piece of paper, about an inch and a half square, and attempt to swallow it. Immediately the police grabbed him, forced his jaws, nearly choking him, and extracted the paper before he could swallow it. It looked something like a che fa ticket. But it was not. It bore certain Oriental characters and the names: "Yee Man Young" and "Alathela." The police, in the person of Assistant Sheriff Henry C. Vida, remarked that it was a love token or a fortune souvenir.

"Alathela" proved a key to the shooting mystery.

A thorough investigation was made by the police, under the direction of Mr. Vida and, finally, a statement was secured from Yee Man Young, the young, rather good looking Korean who did the shooting. A statement was also made to the police by the lady implicated. Photographs and correspondence are in the possession of the police, all bearing on the following:

Last year Yee Man Young went to work for a family at Alewa, as yardboy. Several months later there was employed as cook one Cho Anjae, also a Korean.

Yee Man Young fell in love with the lady of the house. He threatened to kill her unless she gave in to his demands.

Later Cho Anjae became infatuated with the woman. He also spoke of murder unless his ambitions were realized.

Rivalry sprang up between the two Koreans.

Finally the lady involved sent Yee man Young away. She procured for him a room on Kukui street, near River (Continued on Page 8)

Marsden
Ready For
Sacrifice

Joe Marsden is willing to go to the Azores for Portuguese.

He said to a Bulletin man this morning:

"I can't say whether I'm the man for the mission or not. I'm inclined to think Stackable (Collector of Customs) will be chosen, but if they want me to go, why, I'm willing to sacrifice myself."

Governor Atkinson is silent in regard to the matter. A member of the Territorial Immigration Board said today that Marsden was the man.

"That's what he came here for," he added.

NOVEL STUNTS
BY MEMBERS OF
HAWAII YACHT CLUB

Original stunts are being arranged by members of the Hawaii Yacht Club, to be presented between the acts of plays by the famous Buhler company at the Opera House, for the Yacht Club's benefit on Thursday, Friday and Saturday of next week.

Clarence Macfarlane, for one, will do some wonderful feats on the horizontal bar. The between-act scenes will be delightful scenes in themselves, revealing the yachtman in costume, with appropriate stage effects.

On Thursday and Saturday nights the Buhlers produce "Held by the Enemy" and on Friday evening and at the Saturday matinee, "Theftma" will be presented.

Tickets now being sold by the Yacht Club, can be exchanged for reserved seats. This three-days entertainment program is for the sole benefit of the Hawaii Yacht Club, and promises to be a big triumph. The yachtmen deserve all they get.

Good Furniture

Largest Stock in the City from which to make selections.

J. Hopp & Co.

"Old Reliable Furniture House."

YOUNG BUILDING.

Doctors
Can't Get
Fees Back

In spite of the decision of the Supreme Court in the test case of the Territory against Dr. McDonald, whereby it was held that the defendant did not have to pay the \$10 fee to practice medicine prescribed by statute, physicians who have already paid their fees will have to wait a long time before they will see the color of their good money again.

A physician arrived from Maui yesterday. He brought himself of the good \$10 fee he had deposited in the Treasury for a license, and thought that it would come in handy during his stay in gay Honolulu. So he hiked him to the Treasury, having no doubt but that after the Supreme Court's decision on the matter he would have no trouble in getting it back.

But it was no go. Treasurer Campbell refused to dig up the money, and the physician had to go without his fee.

"The money paid on fees has been paid into the general government realization," said Attorney General Peters, "and once it has been deposited there it can only be taken out by legislative enactment. The only way for the doctors to get their money back will be by having the next legislature pass special bills for the refunding of the fee money."

TERRITORY PAYS

The Acting Governor has called the attention of Chief Justice Frear to the fact that when District Magistrates are compelled to furnish bonds, it will not be necessary for them to furnish them themselves. Section 11 of Act 100 of the Session Laws of 1905, which refers to the bonds of public officers, reads as follows: "When any corporation, as hereinbefore designated, shall be surety on any official bond required or authorized by this Act, the premium due such corporation for acting as such surety shall be paid by the Territory."

DIED.

HARRISON—In this city, March 16, Harold Parker Harrison, son of Mr. and Mrs. Fred Harrison. Funeral from St. Andrew's Cathedral Saturday at 3 p. m.

The Weekly Edition of the Evening Bulletin gives a complete summary of the news of the day. For \$1 a year.

Henry Waterhouse Trust Co., Ltd.

Stock and Bond Brokers.

Offices: Cor. Fort and Merchant Streets. Telephone Exchange No. 4.

ROOSEVELT TO
DELAY FOR TAFT

(Associated Press Special Cable)

WASHINGTON, D. C., March 16.—After consulting with Secretary Taft, President Roosevelt has announced that no successor to Associate Justice Brown of the Supreme Court will be appointed for some time.

Failure Of Orders
Ends In A Wreck

(Associated Press Special Cable)

PUEBLO, Col., March 16.—A collision took place today on the Denver & Rio Grande Railway. The wreck took fire and 39 persons are reported to have been killed and 15 injured. The cause of the wreck was failure to deliver train orders.

PLAGUE AGAIN IN SYDNEY.

(Associated Press Special Cable)

SYDNEY, Australia, March 16.—Plague has reappeared in this city.

TOWN OF JUSTIN DESTROYED.

JUSTIN, Mich., March 16.—Four persons were burned to death today in a fire that destroyed the business section of the town.

DAMAGE BY THE FLOODS.

FRESNO, Cal., March 16.—Much damage has been done by the floods of the San Joaquin and King Rivers.

PASSENGER STEAMER GOES ASHORE.

ATLANTIC CITY, N. J., March 16.—The steamer Carthagea went ashore here today. The passengers were saved.

SAN FRANCISCO, March 15.—Sugar, 88 analysis beets, 8s. 5 1/2 d. Parity 3.76 cents. Previous quotation 8s. 4 1/2 d.

Honolulu Man's Folks
Undergo Terrible Experience
In Tahiti Tidal Wave
CLING TO COCONUTS IN A CYCLONE

Howard W. Adams, of the Gunst-Eakin Cigar store has just received a letter from his brother Richard Adams at Papeete, Tahiti.

"Dick" Adams and his wife went through "hell" as the former describes it, in the fearful tidal wave and cyclone that devastated the islands on February 7 and 8 last.

"Dick" Adams is manager for the copra company of a little island thirty-five miles from Papeete, where he had fourteen natives working for him. Adams and his wife and the fourteen natives were alone on the islet when the tidal wave came.

It came without warning and it did not come from afar. Adams writes, but it seemed to rise up like a tremendous wall of water right from the beach and tower over the wee island. The highest point of the island is only twelve feet.

All rushed to the buildings on this elevation, as the water fell, sweeping everything from the beach.

The water surrounded the house, on it, in the fearful tidal wave and cyclone that devastated the islands on February 7 and 8 last.

The natives sought coconut trees. Finally Mr. and Mrs. Adams succeeded in reaching a big coconut, in the top of which they clung for several awful hours.

When the tidal wave had subsided a little Adams discovered that a small boat had been caught by its little anchor in the top of a coconut tree. He swam to it. He secured it, only to find that a hole had been stove in the wall of water right from the beach and tower over the wee island. The high-

(Continued on Page 5.)

SHOE HAPPINESS

can only be produced by shoe comfort. We bring about that happiness by comfortably, stylishly and accurately fitting the feet.

Our No. 520 French Calfskin Blucher Oxford, made on the Piccadilly last, with Cuban heels, is the greatest value in its class ever offered. Strictly the highest grade material and the most skilled workmen are employed in the manufacture of this shoe.

This Shoe is a Guaranty of Shoe Happiness.

For Men \$5.00

Manufacturers Shoe Co., Ltd.

PHONE MAIN 282 1051 FORT STREET—HONOLULU

REMOVAL

The KASH COMPANY, Ltd.

Calls the attention to the Consolidation of its Stores in the improved and attractive quarters at the corner of Hotel and Fort streets. The management takes this opportunity to thank its many patrons for past favors and cordially invites them to call at the new store, where they will always be welcome and find the largest and best Stock of Clothing and Furnishings in the city.

The old Hotel street store is closed and all business hereafter conducted at the

FORT STREET STORE.

Jewels are
Attractive

to burglars and when kept in the house are likely to court a visit from robbers. Placed in a box in our safe-deposit vault, your valuables are safe, and your mind is at ease on their account. You can rent a box for \$5 per year and up!

Hawaiian Trust Co., Limited.

Fort Street, Honolulu